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**From:** Goodis, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=50ED0B92DC4945B7A808FE8DBC9224F0-MICHAEL GOODIS]  
**Sent:** 11/25/2019 10:34:16 PM  
**To:** Keigwin, Richard [Keigwin.Richard@epa.gov]  
**CC:** Davis, Donna [Davis.Donna@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]  
**Subject:** State Letters - 24c  
**Attachments:** 1 aapco-24c-letter-final-april-4-2019.pdf; 2 aapco-24c-letter-epa-response-sln.pdf; 3 nasda\_epa-24c\_04.04.2019.pdf; 4 georgia-letter-to-epa-slns.pdf; 5 ncdacs-rick-keigwin-epa-ltr-to-support-special-local-need-authority.pdf; 6 2019\_06\_20\_12\_30\_07-alabama-24c-letter.pdf; 7 2019\_06\_20\_12\_33\_07 EPA response to alabama.pdf; 8 keigwin-24c-letter from Region 5 states.pdf; 9 7.9.19-24c-label-changes from south dakota.pdf

**Flag:** Follow up

Rick

Here are the letters from the states that are as on AAPCO's web page, <https://aapco.org/2015/06/30/fifra-section-24c/>. They are provided in the order they are listed on the web page:

1. AAPCO to EPA
2. EPA to AAPCO
3. NASDA to EPA
4. Georgia Department of Agriculture to EPA
5. North Carolina Department of Agriculture and Consumer Services to EPA
6. Alabama Department of Agriculture to EPA
7. EPA to Alabama
8. Region 5 States to EPA
9. South Dakota Department of Agriculture to EPA

Please let us know if you have any other questions or need more information.

Michael L. Goodis, P.E.  
Director, Registration Division (RD)  
Office of Pesticide Programs (OPP)

Phone 703-308-8157  
Room S7623

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**From:** Keigwin, Richard <Keigwin.Richard@epa.gov>  
**Sent:** Friday, November 15, 2019 9:57 AM  
**To:** Goodis, Michael <Goodis.Michael@epa.gov>  
**Cc:** Messina, Edward <Messina.Edward@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>; Miller, Wynne <Miller.Wynne@epa.gov>; Davis, Donna <Davis.Donna@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>  
**Subject:** Re: Emergency Response Team Responses to the Questions about 24(c) SLN Registrations

These responses were extremely helpful. Can I get copies of the referenced letters? Those may be useful to Alex in the continued discussions.

Rick Keigwin  
Director, Office of Pesticide Programs

U.S. Environmental Protection Agency  
Phone: 703-305-7090  
Website: [www.epa.gov/pesticides](http://www.epa.gov/pesticides)  
Sent from my iPhone

On Nov 14, 2019, at 9:16 AM, Goodis, Michael <[Goodis.Michael@epa.gov](mailto:Goodis.Michael@epa.gov)> wrote:

Some information developed by the team to respond to the questions is provided below.

Michael L. Goodis, P.E.  
Director, Registration Division (RD)  
Office of Pesticide Programs (OPP)

Phone 703-308-8157  
Room S7623

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**From:** Fitz, Nancy <[Fitz.Nancy@epa.gov](mailto:Fitz.Nancy@epa.gov)>  
**Sent:** Wednesday, November 13, 2019 1:46 PM  
**To:** Goodis, Michael <[Goodis.Michael@epa.gov](mailto:Goodis.Michael@epa.gov)>; Davis, Donna <[Davis.Donna@epa.gov](mailto:Davis.Donna@epa.gov)>; Rosenblatt, Daniel <[Rosenblatt.Dan@epa.gov](mailto:Rosenblatt.Dan@epa.gov)>  
**Cc:** Conrath, Andrea B <[Conrath.Andrea@epa.gov](mailto:Conrath.Andrea@epa.gov)>; Cain, Tamica <[Cain.Tamica@epa.gov](mailto:Cain.Tamica@epa.gov)>; Groce, Stacey <[Groce.Stacey@epa.gov](mailto:Groce.Stacey@epa.gov)>; Paisley-Jones, Claire <[Paisley-Jones.Claire@epa.gov](mailto:Paisley-Jones.Claire@epa.gov)>; Davis, Kable <[Davis.Kable@epa.gov](mailto:Davis.Kable@epa.gov)>  
**Subject:** Emergency Response Team Responses to the Questions about 24(c) SLN Registrations

Mike, Donna and Dan,

Here is information that responds to the 24(c) questions that we discussed yesterday. Please let us know if you have questions or want more information or clarification about anything. We focused on the first, fourth and fifth questions as we discussed yesterday. Many thanks to Andrea, Tamica and Stacey, who worked on these!

**Question 1: How many correct (for SLN) 24(c)s in recent years by year versus how many incorrect (narrowing type) 24(c)s over same time.**

Andrea re-ran the OPPIN searches for the past 5 years to firm up the numbers. See the table below.

- This table shows the results of searching OPPIN for new SLNs registered the past five years. This does not include amendments to existing SLNs. (This may explain the discrepancy between the totals in this table and the estimate of 300 SLNs per year that is on the web site.)
- The average over the past 5 years is 150 new SLNs per year.
- We assumed that the SLNs for dicamba products and the SLNs issued by New York were more restrictive than the Section 3 labels. New York is the only state that has consistently submitted SLNs that have been more restrictive. We would need to look at every individual SLN to confirm that the New York SLNs are more restrictive and to see if there are any others that are more restrictive.

- The back of the envelope estimate that 10-15% of the SLNs are more restrictive that we provided you on Friday considered only the past three years and was done quickly. That was an accurate estimate of 2017 and 2018.
- The trend shown in the table may be more instructive than focusing only on averages.

SLNs (24(c)s)	2019		2018		2017		2016		2015	
	%	No.	%	No.	%	No.	%	No.	%	No.
Total		158		149		201		81		
NY	<b>5%</b>	8	<b>5%</b>	8	<b>3%</b>	7	<b>4%</b>	3	<b>2%</b>	
Dicamba	<b>20%</b>	31	<b>11%</b>	16	<b>8%</b>	16	<b>0%</b>	0	<b>0%</b>	
Total more restrictive	<b>25%</b>	39	<b>16%</b>	24	<b>11%</b>	23	<b>4%</b>	3	<b>2%</b>	

**Question 4: What will we do with a 24(c) that is to narrow the federal label? Will we deny one? Will we counsel states about the differences?**

## Ex. 5 Deliberative Process (DP)

## **Ex. 5 Deliberative Process (DP)**

Question 5: To that end, how many states have used 24(a) correctly and passed legislation, for what? Do they do it chemical specific or is it to give the Sec. of Ag. In the state some sort of broad authority to do what he/she needs to do?

## **Ex. 5 Deliberative Process (DP)**

## Ex. 5 Deliberative Process (DP)

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**From:** Rosenblatt, Daniel <[Rosenblatt.Dan@epa.gov](mailto:Rosenblatt.Dan@epa.gov)>  
**Sent:** Tuesday, November 12, 2019 10:34 AM  
**To:** Fitz, Nancy <[Fitz.Nancy@epa.gov](mailto:Fitz.Nancy@epa.gov)>; Paisley-Jones, Claire <[Paisley-Jones.Claire@epa.gov](mailto:Paisley-Jones.Claire@epa.gov)>  
**Cc:** Davis, Kable <[Davis.Kable@epa.gov](mailto:Davis.Kable@epa.gov)>  
**Subject:** FW: Heads Up: 24(c)

This goes with the meeting for later – please forward to the team

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**From:** Keigwin, Richard <[Keigwin.Richard@epa.gov](mailto:Keigwin.Richard@epa.gov)>  
**Sent:** Monday, November 11, 2019 4:26 PM  
**To:** Goodis, Michael <[Goodis.Michael@epa.gov](mailto:Goodis.Michael@epa.gov)>; Rosenblatt, Daniel <[Rosenblatt.Dan@epa.gov](mailto:Rosenblatt.Dan@epa.gov)>; Davis, Donna <[Davis.Donna@epa.gov](mailto:Davis.Donna@epa.gov)>  
**Cc:** Messina, Edward <[Messina.Edward@epa.gov](mailto:Messina.Edward@epa.gov)>; Layne, Arnold <[Layne.Arnold@epa.gov](mailto:Layne.Arnold@epa.gov)>; Miller, Wynne <[Miller.Wynne@epa.gov](mailto:Miller.Wynne@epa.gov)>; Dinkins, Darlene <[Dinkins.Darlene@epa.gov](mailto:Dinkins.Darlene@epa.gov)>  
**Subject:** Fwd: Heads Up: 24(c)

Let's find some time this week to discuss an approach to addressing this request.

Rick Keigwin  
Director, Office of Pesticide Programs  
U.S. Environmental Protection Agency  
Phone: 703-305-7090  
Website: [www.epa.gov/pesticides](http://www.epa.gov/pesticides)  
Sent from my iPhone

Begin forwarded message:

**From:** "Dunn, Alexandra" <dunn.alexandra@epa.gov>  
**Date:** November 11, 2019 at 2:23:07 PM EST  
**To:** "Keigwin, Richard" <Keigwin.Richard@epa.gov>, "Bennett, Tate" <Bennett.Tate@epa.gov>  
**Cc:** "Tyler, Tom" <Tyler.Tom@epa.gov>, "Keller, Kaitlin" <keller.kaitlin@epa.gov>, "Bolen, Derrick" <bolen.derrick@epa.gov>  
**Subject:** RE: Heads Up: 24(c)

INTERNAL DELIBERATIVE

As for data:

How many correct (for SLN) 24(c)s in recent years by year versus how many incorrect (narrowing type) 24(c)s over same time.

What is the chronology of how this arose – ie, did we raise it on our own, did the state raise it, did the registrants raise it, how long has this issue been percolating?

What do we recommend putting on the website re the 2020 growing season given that it is unlikely we will have a document ready to go before SFREIG.

What will we do with a 24(c) that is to narrow the federal label? Will we deny one? Will we counsel states about the differences?

To that end, how many states have used 24(a) correctly and passed legislation, for what? Do they do it chemical specific or is it to give the Sec. of Ag. In the state some sort of broad authority to do what he/she needs to do?

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**From:** Keigwin, Richard <Keigwin.Richard@epa.gov>  
**Sent:** Friday, November 8, 2019 11:29 AM  
**To:** Dunn, Alexandra <dunn.alexandra@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>  
**Cc:** Tyler, Tom <Tyler.Tom@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>  
**Subject:** RE: Heads Up: 24(c)

OK. Let us know what data we need to gather. I know you will be out part of next week, but if you'd like to give me a call, I'd be happy to chat.

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**From:** Dunn, Alexandra <dunn.alexandra@epa.gov>  
**Sent:** Thursday, November 07, 2019 12:43 PM  
**To:** Keigwin, Richard <Keigwin.Richard@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>  
**Cc:** Tyler, Tom <Tyler.Tom@epa.gov>; Keller, Kaitlin

<[keller.kaitlin@epa.gov](mailto:keller.kaitlin@epa.gov)>; Bolen, Derrick <[bolen.derrick@epa.gov](mailto:bolen.derrick@epa.gov)>

**Subject:** Re: Heads Up: 24(c)

We need to talk about next steps we need some more data this is not going to move quickly. We do need to make a statement about 2020.

Alexandra Dapolito Dunn, Esq.  
Assistant Administrator  
Office of Chemical Safety & Pollution Prevention  
U.S. Environmental Protection Agency  
Washington, DC

Sent from my iPhone

On Nov 7, 2019, at 9:30 AM, Keigwin, Richard  
<[Keigwin.Richard@epa.gov](mailto:Keigwin.Richard@epa.gov)> wrote:

Internal and Deliberative  
Not for Public Release

I'm hearing that OGC may have some additional comments on the 24(c) notice, based upon a discussion that PTSLO had with the OGC Front Office in preparation for this morning's discussion with the Administrator. Essentially, as I understand it, they may want to tighten up some of the language so that the reader doesn't think that the current approach to 24(c)'s is a likely/possible outcome in the future. I'm told this may come up during your meeting this morning with the Administrator.

Rick Keigwin  
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US Environmental Protection Agency  
Phone: 703-305-7090  
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Visit: <https://www.epa.gov/pesticides>